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REMARKS

By this Preliminary Amendment, applicant has amended the specification, and canceled claims 1-8, without prejudice. Applicant has also amended claims 9 and 19 to make certain formatting changes. Applicant maintains that the amendments to the specification and to claims 9 and 10 do not introduce new matter. Accordingly, upon entry of this Preliminary Amendment, claims 9-11 will be pending in the subject application.

Information Disclosure Statement

In accordance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references which are listed on the PTO-1449 form attached hereto as **EXHIBIT A**.

1. U.S. Patent No. 5,236,904 to Gerstenberg et al. issued on August 17, 1993;
2. European Patent No. 1 223 957 A, issued July 24, 2002;
3. International Patent Application No. PCT/US99/09451, filed April 30, 1999, International Publication No. WO 99/56785, published November 11, 1999, University of Pittsburg;
4. International Patent Application No. PCT/US99/10579, filed May 15, 1999, International Publication No. WO 99/60630, published November 25, 1999, Glaxo Group Limited;
5. International Patent Application No. PCT/US00/26782, filed September 29, 2000, International Publication No. WO 01/24809, published April 12, 2001, Duke University;

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growth factor in a rabbit of hindlimb ischemia,"
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34. Truss, C.M. et al., (1997) "Intracavernous pharmacotherapy"
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The subject application is a divisional of U.S. Serial No. 09/234,591, filed January 21, 1999.

The above listed references 1-34 were submitted to the Patent and Trademark Office in an Information Disclosure Statement or cited by the Examiner in connection with U.S. Serial No. 09/234,591. According to 37 C.F.R. §1.98(d), copies of these references are not required to be provided to the Patent and Trademark Office since they were previously submitted to, or cited by, the Patent and Trademark Office in an application relied upon for an earlier filing date under 35 U.S.C. §120. Accordingly, copies of references 1-34 are not attached to this Information Disclosure Statement.

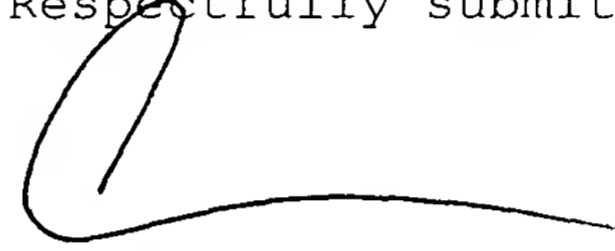
An early and favorable consideration and allowance of claims 9-11 is earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed \$375.00 application filing fee, is deemed necessary in connection with the filing of this Preliminary Amendment and Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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